

DECEMBER 23. 1789.

518. P13
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Erskin H.

ITION AND COMPLAINT of the Right
Honourable BASIL WILLIAM DOUGLAS;
AGAINST
ER JOHNSTON, Esq. in the County of
Kirkcudbright. } K

LAURENCE HILL W. S. Agent.

UNTO THE RIGHT HONOURABLE
The Lords of Council and Session,

THE
PETITION AND COMPLAINT

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The Right Honourable BASIL WILLIAM
DOUGLAS, commonly called Lord Daer;
eldest Son of the Right Honourable Dun-
bar Earl of Selkirk;

HUMBLY SHEWETH,

THAT at the Michaelmas meeting of the stewartry
of Kirkcudbright, held upon the 13th day of Oc-
tober last, a claim was presented to the freeholders
for the said Basil William Douglas to be admitted
upon their roll in virtue of the following titles:

1st,

1, Charter of resignation and confirmation under the Great Seal in favour of the Earl of Selkirk, of the lands of Over Mains in Twynhame, otherwise called the Old Mains, in the parish of Twynhame and stewartry of Kirkcudbright, dated 6th August 1788.

2d, Disposition of these lands by the earl to the claimant and his heirs and assignees, heritably and irredeemably, dated 27th September 1788.

3d, Sasine following on the said charter and disposition, dated the 4th and registered in the particular register of the county the 8th of October 1788.

4th, Extract of the retour of the special service of John Lord Kirkcudbright, dated 13th June 1648, by which the old extent of the lands is ascertained to be 50 s.

The minutes of the freeholders bear, that Peter Johnston of Carnfalloch objected, " though he admits the qualification produced as being sufficient to entitle a person capable of being inrolled to be added to the roll of freeholders, yet it cannot avail the claimant, in respect he is the eldest son of the Earl of Selkirk, a Peer of Scotland, and as such cannot be added to the roll of freeholders for any county in Scotland. To which the claimant made an answer *viva voce*. And the court having considered the claim, objection and answer, they sustained the objection, and refused to inrol the claimant."

The complainer therefore applies to your Lordships, under the authority of the statutes of the 16th of the late King and 14th of his present Majesty, for redress.

As Mr. Johnston in his objection has referred to no principle of the constitution of the parliament of Scotland, has founded on no statute disqualifying the eldest sons of Peers, nor has cited any decision of the courts of law pointing at such

such disqualification, it is impossible for the petitioner to say more in support of the present complaint than this; That being by birth a commoner, and entitled to every privilege attached to that order of men by the constitution and laws of his country, and having produced sufficient titles to an estate affording a legal qualification, the freeholders were bound to have inrolled him; and therefore did wrong in rejecting his claim.

May it therefore please your Lordships, to grant warrant for serving this complaint upon the said Peter Johnston of Carnsalloch personally, or at his dwelling-place, if within Scotland, and if forth thereof, at the market cross of Edinburgh, pier and shore of Leith; and to ordain him to put in answers thereto within fifteen days after such service: And on the merits of the complaint itself, to find that the meeting of freeholders did wrong in refusing to inrol the petitioner; and therefore to find that he ought to be added to the roll; and to ordain him to be added accordingly; and to give the necessary directions for putting that order in execution.

According to Justice, &c.

HENRY ERSKINE.

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